

REMARKS

I. INTRODUCTION

Claims 3, 4, and 8 have been amended. Thus, claims 1-8 remain pending in the present application. No new matter has been added. In view of the above amendments and the following remarks, Applicant respectfully submits that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 101 REJECTION SHOULD BE WITHDRAWN

Claim 8 stands rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Specifically, the Examiner states that the “claimed computer program lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.” (*See 11/1/10 Office Action*, p. 2). Claim 8, as amended, now recites a “[c]omputer program *embodied on a non-transitory computer readable medium* for a data processing device for performing a computer-aided extraction of quantitative information, wherein, when *the computer program is executed on a data processor of the data processing device*.” Since claim 8 is directed to a physically embodied invention, 35 U.S.C. § 101 is satisfied. Accordingly, the withdrawal of this rejection is respectfully requested.

III. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 3 and 4 stand rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Specifically, the Examiner states that the recitation of the “distrust selection option” in claim 3 and the “trust selection option” in claim 4 render the claims vague because it is unclear what criteria is being used to determine these options. (*See 11/1/10 Office Action*, p. 3). Applicant respectfully directs the Examiner’s attention to page 3, lines 15-31 and page 5, lines 12-20 of the Specification, which explain that the user decides whether or not to select either of these options. In view of the cited portion of the Specification and of the amendments made to these claims, Applicant respectfully requests the withdrawal of this rejection.

IV. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1, 2, and 5-8 stand rejected under 35 U.S.C. § 102(b) as anticipated by Biswal et al. (U.S. Patent No. 6,477,399).

Claim 1 recites, “[a] method of computer-aided extraction of quantitative information, the method comprising the steps of: acquiring primary data from an object to be examined; processing the primary data on the basis of a primary parameter set to determine a primary result; determining a confidence interval with respect to the primary result; displaying the primary result and the confidence interval; *adjusting the primary parameter set on the basis of an input; reprocessing the primary data on the basis of the adjusted primary parameter set to determine a secondary result;* and displaying the secondary result.”

Although the Examiner rejects the claims under Biswal, the Examiner bases the majority of the rejections on Jesmanowicz (U.S. Patent No. 5,603,322), which is incorporated by reference in Biswal. Biswal discloses “[a]n EPI pulse sequence is performed by an MRI system which acquires images of the brain over a time interval during which the subject performs a function or is stimulated in a pattern.” (*See Biswal, Abstract.*). Jesmanowicz also relates to the same field.

Jesmanowicz discloses providing a neurologist the ability “to accurately select two MRI image data sets in the series which were acquired when the stimulus was applied and when it was removed.” (*See Jesmanowicz, col. 2, ll. 64-67*). The difference between these two sets is used to produce a different MRI image data set. In addition, Jesmanowicz discloses that the neurologist “may input a reference pattern or select as a reference pattern the time varying NMW data for one voxel which is observed to follow the selected stimulation pattern.” (*Id. at col. 3, ll. 7-10*). The degree of correlation between the reference pattern the time varying NMR signals for the other voxels in the MRI data set are then determined. (*Id. at col. 3, ll. 10-14*). The Examiner refers to Jesmanowicz’s disclosure of inputting a reference pattern by the neurologist to meet the recitation in claim 1 of “*adjusting the primary parameter set on the basis of an input.*”

To meet the recitation of the “primary parameter” in claim 1, the Examiner refers to Biswal’s fMRI parameter. However, there is no disclosure by Biswal or Jesmanowicz that the fMRI parameter is adjusted *“on the basis of an input.”* That is, neither Biswal nor Jesmanowicz disclose or suggest adjusting the fMRI parameter based on the input of a reference pattern by the neurologist. In any case, even if the fMRI parameter meets the claimed “primary parameter,” which Applicant does not concede, then the fMRI parameter must be adjusted on the basis of the reference pattern to meet the “adjusting” step in claim 1. Since no description of such an adjustment is given in either reference, then the “adjusting” step is not met.

Furthermore, claim 1 recites, *“reprocessing the primary data on the basis of the adjusted primary parameter set to determine a secondary result.”* In contrast, the reference pattern disclosed by Jesmanowicz is used to determine a similarity (or difference) between the reference pattern and the varying NMR signals. There is no reprocessing in Jesmanowicz based on the input reference pattern that yields new NMR signals. The sole function of the reference pattern is to aid with the differentiation of the reference pattern the varying NMR signals. There is similarly no disclosure of this recitation in Biswal.

Applicant respectfully submits that Biswal and Jesmanowicz fail to disclose or suggest *“adjusting the primary parameter set on the basis of an input; reprocessing the primary data on the basis of the adjusted primary parameter set to determine a secondary result,”* as recited in claim 1. It is, therefore, respectfully submitted that claim 1 and its dependent claims 2, 5, and 6 are allowable.

Independent claims 7 and 8 recite limitations substantially similar to those of claim 1. Thus, Applicant respectfully submits that these claims are allowable for at least the foregoing reasons presented with regards to claim 1.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Michael Marcin/

Dated: January 31, 2011

By: _____
Michael Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276